UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 16-260 (DSD)

UNITED STATES OF AMERICA,

Plaintiff,

PLEA AGREEMENT AND SENTENCING STIPULATIONS

v.

RONALD LAWRENCE COURRIER,

Defendant.

The United States of America and Ronald Lawrence Courrier (hereinafter referred to as the "Defendant") agree to resolve this case on the terms and conditions that follow. This plea agreement binds only Defendant and the United States Attorney's Office for the District of Minnesota. This agreement does not bind any other United States Attorney's Office or any other federal or state agency.

1. **Charges**. Defendant agrees to enter a plea of guilty to Count 1 of the Information, which charges Defendant with Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

2. **Factual Basis**. The parties agree on the following factual basis for the plea:

RLC KT6 RC

a. Count 1: On or about March 3, 2016, in the State and District of Minnesota, Defendant knowingly possessed one or more matters which contained visual depictions that had been shipped and transported using a means and facility of interstate commerce, including by computer, and had been mailed, shipped and transported in and affecting interstate commerce, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depictions were of such conduct. Specifically, the defendant possessed the following computer video files on his personal computer and a

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thumb drive: "Preteen Orgasms(3hours).avi," which is a three-hour video that depicts various prepubescent girls engaged in masturbation; "cp fuck me," which is a 1:25 minute video depicting an adult male rubbing his penis against a prepubescent child who has the words "fuck me" written on her chest; and "Vibro_School_(mkv).avi, which is a 38-minute video depicting a prepubescent boy and girl performing oral sex on each other and a prepubescent girl performing oral sex on an adult male.

b. Relevant Conduct: Defendant agrees that he possessed 961 child pornography video files, including videos that depict prepubescent minors under the age of 12 and material that portrays sadistic and masochistic conduct and other depictions of violence. Defendant also agrees that he possessed 58 videos depicting children filmed with hidden cameras. Defendant further admits that he used the Tor browser to obtain many of the child pornography videos he possessed, in an effort to maintain anonymity while downloading child pornography.

c. Prior Conviction: Defendant admits he was convicted on or about March 3, 1999 of violating Minn. Stat. § 609.342, Subd. 1(a), Criminal Sexual Conduct in the First Degree, because he digitally penetrated a four-year-old child.

3. **Waiver of Indictment.** The defendant agrees to waive indictment by a grand jury on this charge and to consent to the filing of a criminal information. The defendant further agrees to execute a written waiver of the defendant's right to be indicted by a grand jury on this offense.

4. **Waiver of Pretrial Motions**. Defendant understands and agrees he has certain rights to file pretrial motions in this case. As part of this plea agreement, and based upon the concessions of the United States contained herein, Defendant knowingly, willingly, and voluntarily gives up the right to file pretrial motions in this case.

5. **Statutory Penalties**. The parties agree that Defendant is subject to the following statutory penalties per 18 U.S.C. § 2252(b)(2):

a. a mandatory minimum of 10 years' imprisonment;

b. a maximum of 20 years' imprisonment;

c. a supervised release term of at least five years up to a maximum supervised release term of life;

d. a fine of up to $250,000;

e. a mandatory special assessment of $100; and

f. payment of mandatory restitution in an amount to be determined by the Court.

6. **Revocation of Supervised Release**. Defendant understands that if he violates any condition of supervised release, Defendant could be sentenced to an additional term of imprisonment up to the length of the original supervised release term, subject to the statutory maximums set forth in 18 U.S.C. § 3583(k).

7. **Guideline Calculations**. The parties acknowledge that Defendant will be sentenced in accordance with 18 U.S.C. § 3551, *et seq.* Nothing in this plea agreement should be construed to limit the parties from presenting any and all relevant evidence to the Court at sentencing. The parties also acknowledge that the Court will consider the United States Sentencing Guidelines in determining the appropriate sentence and stipulate to the following guideline calculations:

a. Base Offense Level. The parties agree that the base offense level for possession of child pornography is **18**. (U.S.S.G. § 2G2.2(a)(2)).

b. Specific Offense Characteristics. The parties agree that the offense level should be increased by **2 levels** because the material involved prepubescent minors (U.S.S.G. § 2G2.2(b)(2)); **4 levels** because the offense involved materials that portray sadistic or masochistic conduct or other depictions of violence (U.S.S.G. § 2G2.2(b)(4)); **2 levels** because the offense involved the use of a computer and an interactive computer service (U.S.S.G. § 2G2.2(b)(6)); and **5 levels** because the offense involved at least 600 images (U.S.S.G. § 2G2.2(b)(7)).

c. Acceptance of Responsibility. The government agrees to recommend that Defendant receive a **3-level** reduction for acceptance of responsibility and to make any appropriate motions with the Court. However, Defendant understands and agrees that this recommendation is conditioned upon the following: (i) Defendant testifies truthfully during the change of plea and sentencing hearings, (ii) Defendant cooperates with the Probation Office in the pre-sentence investigation, including disclosure of truthful and accurate financial information to the Probation Office, and (iii) Defendant commits no further acts inconsistent with acceptance of responsibility. (U.S.S.G. §3E1.1(a) and (b)). The parties agree that no other Chapter 3 adjustments apply.

d. Criminal History Category. Based on information available at this time, the parties believe that Defendant's criminal history category is **I**. This does not constitute a stipulation, but a belief based on an assessment of the information currently known. Defendant's actual criminal history and related status will be determined by the Court based on the information presented in the Presentence Report and by the parties at the time of sentencing. Defendant understands that if the presentence investigation reveals any prior adult or juvenile sentence which should be included within his criminal history under the U.S. Sentencing Guidelines, Defendant will be sentenced based on his true criminal history category, and he will not be permitted to withdraw from this Plea Agreement. (U.S.S.G. § 4A1.1).

e. Guideline Range. If the adjusted offense level is **28**, and the criminal history category is **I**, the Sentencing Guidelines range is 78-97 months of imprisonment, adjusted to 120 months by operation of the statutory mandatory minimum.

f. Fine Range. If the adjusted offense level is **28**, the fine range is $25,000 to $250,000. (U.S.S.G. § 5E1.2(c)(3)).

g. Supervised Release. The Sentencing Guidelines require a term of supervised release of at least five years and up to a life term if a term of imprisonment of more than one year is imposed. (U.S.S.G. §§ 5D1.2(a)(1) and 5D1.2(b)(2); 18 U.S.C. § 3583(k)).

h. Sentencing Recommendation and Departures. The parties reserve the right to make a motion for departures from the applicable Guidelines range and to oppose any such motion made by the opposing party. The parties reserve the right to argue for a sentence outside the applicable Guidelines range.

8. **Discretion of the Court**. The foregoing stipulations are binding on the parties, but do not bind the Court. The parties understand that the Sentencing Guidelines are advisory and their application is a matter that falls solely within the Court's discretion. The Court may make its own determination regarding the applicable Guidelines factors and the applicable criminal history category. The Court may also depart from the applicable Guidelines range. If the Court determines that the applicable Guideline calculations or Defendant's criminal history category are different from that stated above, the parties may not withdraw from this agreement, and Defendant will be sentenced pursuant to the Court's determinations.

9. **Special Assessment**. The Guidelines require payment of a special assessment in the amount of $100 for each felony count of which Defendant is convicted. (U.S.S.G. § 5E1.3). The $100 special assessment becomes due and payable at sentencing.

10. **Restitution**. Defendant understands and agrees that 18 U.S.C. § 2259 and the Mandatory Victim Restitution Act (MVRA), 18 U.S.C. § 3663A, applies to the crime to which he is pleading guilty and that the Court is required to order Defendant to make restitution to the victims of his crime. There is no agreement with regard to the amount of restitution; however, Defendant understands and agrees that the Court may order Defendant to make restitution to any victims of his crimes regardless of whether the victim was named in the Information or whether the victim is included in the count of conviction.

11. **Forfeiture**. Defendant agrees to forfeit to the United States, pursuant to 18 U.S.C. § 2253(a):

a. any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Chapter 110, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110;

b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

c. any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

Specifically, the parties agree that Defendant will forfeit the following to the United States: Toshiba Satellite laptop with serial number XD272644Q; one SanDisk USB thumb drive with serial number BM151224800B; and one Vizio television with serial number LTMXNTAN4954174. The defendant agrees that this property is subject to forfeiture because the item was used to commit the violation charged in Count 1 of the Information. The United States reserves the right to seek the forfeiture of additional property.

If any of the above-described forfeitable property, as a result of any act or omission of Defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b), to seek forfeiture of any other property of Defendant up to the value of the above forfeitable property.

12. **Collection of Financial Obligations**. In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the Defendant agrees fully to disclose all assets in which he has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee or other third party.

a. The Defendant will promptly submit a completed financial statement to the U.S. Attorney's Office, in a form it provides and as it directs. The Defendant promises that his financial statement will be complete, accurate and truthful.

b. The Defendant expressly authorizes the U.S. Attorney's Office to obtain a credit report on him to evaluate the Defendant's ability to satisfy any financial obligation imposed by the Court.

c. The Defendant agrees that, at the discretion of the U.S. Attorney's Office, the Defendant will be deposed regarding financial issues prior to sentencing.

13. **Waivers of Appeal and Collateral Attack**. The defendant understands that 18 U.S.C. Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this right, and in exchange for the concessions made by the United States in this plea agreement, the defendant hereby waives all rights conferred by 18 U.S.C. Section 3742 to appeal defendant's sentence, unless the sentence exceeds 120 months. In return, the government agrees to waive its rights to appeal defendant's sentence, unless the sentence is less than 120 months. In addition, the

defendant expressly waives the right to petition under 28 U.S.C. Section 2255, but reserves the right to raise the issue of ineffective assistance of counsel. The defendant has discussed these rights with the defendant's attorney. The defendant understands the rights being waived, and the defendant waives these rights knowingly, intelligently, and voluntarily.

14. **Complete Agreement**. This, along with any agreement signed by the parties before entry of the plea, is the entire agreement and understanding between the United States and Defendant.

Date: October 25, 2016

ANDREW M. LUGER
United States Attorney

KATHARINE T. BUZICKY
Assistant U.S. Attorney

Date: October 25, 2016

RONALD L. COURRIER
Defendant

Date: October 25, 2016

KELLY J. KEEGAN, ESQ.
Counsel for Defendant